

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GEORGE MORRIS
Plaintiff,

V.

**STONEBRIDGE LIFE INSURANCE
COMPANY**
Defendant.

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CIVIL ACTION NO. 4:14-cv-276

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Sections 1441, 1446 and 1331, Stonebridge Life Insurance Company ("Defendant") in Cause No. 31-SC-00152 in the Justice Court, Precinct 3, Place 1 of Collin County, Texas, serve this Notice of Removal from that Court to the United States District Court for the Eastern District of Texas, Sherman Division, on the basis of federal question jurisdiction. The Notice of Removal is based upon the following grounds:

FEDERAL QUESTION JURISDICTION

1. **Description of Lawsuit.** Plaintiff alleges Defendant violated the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.* Removal of this action is appropriate as "a claim that a business violated the Telephone Consumer Protection Act arises under federal law." *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446, 450(7th Cir. 2005). Thus, this matter is removable to this Court pursuant to 28 U.S.C. § 1331.
2. Plaintiffs assert claims for five alleged violations of the TCPA seeking "willful damages" of \$1,500 per violation.

3. **Federal Question Jurisdiction.** At the time of the filing of Plaintiff's Petition and this Notice of Removal, this Court has jurisdiction over this matter as Plaintiff alleges claims under the TCPA. 8 U.S.C. § 1331. By virtue of plaintiff asserting claims arising under Federal law, this Court has jurisdiction over this matter.

4. **Timely Removal.** Process and Plaintiff's Petition in Cause No. 31-SC-00152 was served on Defendant for the first and only time less than 30 days from the date of the filing of this Notice of Removal and this Notice is being filed within one year of the date suit was filed in State Court.

5. Simultaneously with the filing of this Notice of Removal, Defendant is filing a copy of all processes, pleadings and orders served in State Court. A copy of this Notice is also concurrently being filed with the State Court and served upon Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Stonebridge Life Insurance Company prays that this action be removed to this Court from the Justice Court, Precinct 3, Place 1 of Collin County, Texas, for trial and determination.

Respectfully submitted,

By: /s/ Bernie E. Hauder
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this, the 6th day of May, 2014 a true and correct copy of the above and foregoing document has been forwarded to the counsel of record, as indicated below:

George Morris
P.O. Box 864091
Plano, Texas 75086

_____ Via Hand Delivery
____X____ Via Certified Mail Return Receipt Requested
_____ Via Facsimile
_____ Via E-Filing

_____*/s/ Bernie E. Hauder*_____
BERNIE E. HAUDER